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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,702	04/06/2001	Darrin Costa		1572

7590

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/827,702

Applicant(s)

COSTA, DARRIN

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 21-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/9/02 have been fully considered but they are not persuasive. The applicant's argument is on the ground that "the applicant's invention does not include the baby carriage or stroller". It is noted that claim 41 still definitely recites the baby carriage or stroller.

As a result the rejection is still deemed proper and repeated hereinafter.

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by Coltrane.

Regarding claim 41, the method of rocking a baby carriage or stroller would be inherent and obvious since the prior art reference meet the structural limitations of the claimed device.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coltrane in view of Lee.

Regarding claim 1, Coltrane shows a portable rocking device for rocking a baby carriage comprising:

- A base (12);
- A motor (13) fastened to said base, said motor having a power supply and a rotating shaft (14);
- A gear (22) fastened to the shaft of said motor;
- A sliding member (26) having a first end (at 27) engaged with said gear and a second end; and
- A fastening means (33) attached to the second end of said sliding member, for securing said sliding member (26) to an axle of the baby carriage (9).

Coltrane does not show the device for rocking the baby stroller.

Lee uses the device for rocking the baby stroller for the purpose of providing a shaker for stroller and baby carriages.

Since Coltrane and Lee are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the device for rocking the baby stroller as taught by Lee for the purpose discussed above.

Regarding claim 11, it is noted that Coltrane and Lee also shows a portable rocking device for rocking a baby carriage or stroller comprising:

- A base (12);
- A motor (13) fastened to said base, said motor having a power supply and a rotating shaft (14);
- A gear (22) fastened to the shaft of said motor;
- A sliding member (26) having a first end engaged with said gear and a second end;
- An extension member (31) having a first end and a second end, said first end of said extension member attached to the second end of said sliding member;
- A fastening means (33) attached to the second end of said extension member, said fastening means a method securing said extension member to objects such as baby carriages or strollers (9).

Regarding claims 2 and 12, it is noted that Coltrane also shows the fastening means being selected from the group of devices including clamps, hooks, clips, magnets, screws, bolts and nuts, and ties.

Regarding claims 3 and 13, it is noted that Coltrane also shows the motor being powered by an external electric power supply.

Regarding claims 4 and 14, it is noted that Coltrane also shows the motor being powered by an internal power supply.

Regarding claims 5 and 15, it is noted that Coltrane also shows the motor being powered by an internal or external power supply.

Regarding claims 6 and 16, it is noted that Coltrane also shows the speed of rotation of said motor being adjustable.

Regarding claims 7 and 17, it is noted that Coltrane also shows the length of the stroke of the invention being adjustable.

Regarding claims 8 and 18, it is noted that Coltrane also shows the height of the base being adjustable.

Regarding claims 9 and 19, it is noted that Coltrane also shows said base having a first end (bottom) and a second end (top) with wheels (8) connected to said first end and a non-sliding material at said second end.

Regarding claims 10 and 20, it is noted that Coltrane also shows said base having a plurality of wheels attached to it.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Information on How to Contact USPTO***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
January 31, 2003

*DL*

*Dang D Le*